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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,440	06/18/2001	Alphonsius Anthonius Jozef De Lange	PHNL 000348	2797

24737 7590 06/26/2007

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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06/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/883,440

Applicant(s)

DE LANGE ET AL.

Examiner

Annan Q. Shang

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

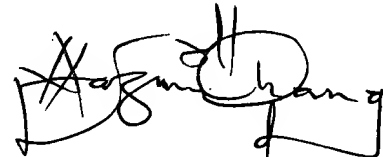
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.



Continuation of 11. does NOT place the application in condition for allowance because: With respect to Claims 1, 3-6 and 8-14 rejected under 35 U.S.C. 102(e) as being anticipated by Kikinis (6,205,485) and Claims 2 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis (6,205,485) as applied to claims 1 and 6 above, in view of Yuen (2002/0056086), applicant argues that, "...Kikinis explicitly enables WEB link applications while the user selects the channel, and does not teach disabling the WEB applications until the user enables the WEB applications..." that, Kikinis and Yuen fail to teach all elements of the claims (see page 2+ of Applicant's Remarks).

In response, Examiner disagrees. Examiner notes Applicant's arguments, however, Kikinis teaches a STB 121 which receives TV programming which includes Web, icon, indicia, 3D materials, etc., "a plurality of streams," each stream being associated with a channel on the receiving station and comprising a content portion (TV presentation) and zero or more application portions (various Web information and applications, col.3, line 61-col.4, line 9 and col.3, lines 41-53). A user selects a channel via a remote control to display the content portion of the stream associated with the selected channel (col.4, lines 25-65), and if a user selects a video channel, application of the stream associated with the channel is disable, i.e., the icon or web links application associated with the channel is disabled. If the user continuous to watch the the video of the selected channel the icon or Web application associated with the channle is enable in response to an occurance of an enabling event, such as a user's interaction to an icon, web link, indicia, etc., which causes the display of the Web information, which indicates that the user is actively viewing the selected channel. Furthermore specialized drivers causes other application present within the stream to be executed to display icon, web links, etc., while the user is actively viewing the selected channel without the user input, which meets all the claim limitations. With respect to claims 2 and 7, Kikinis teaches a timer which displays the icon, indicia, 3D figure, etc., for a predetermined time period, silent to a timer which response to any user interaction with TV 11. However, this deficiency is disclosed in Yuen which discloses monitoring a user's interactions and gathering information including amount of time a viewer spends, or does not spend, on a particular program or commercial (page 1, [0013-0016] and [0018]). Hence applicant's arguments are not persuasive, the 102(e) and 103(a) rejection of the claims of the last office action is proper, meets are the claim limitations and maintained.